

REMARKS

The above amendments and these remarks are responsive to the Office action dated April 14, 2006.

Prior to entry of this Amendment, claims 1-6 remained pending in the application. In the Office action, the Examiner rejected claims 1 and 3-6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,114,285 to Brydon in view of U.S. Patent Application Publication No. 2004/0020809 A1 to Allan et.al. (Allan). Examiner rejected claim 2 under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 5,114,285 to Brydon in view of U.S. Patent Application Publication No. 2004/0020809 A1 to Allan and further in view of U.S. Patent No. 5,085,285 to Morita et.al (Morita).

Applicants respectfully traverse the rejections, and assert that the rejected claims are not obvious or anticipated in view of the cited art. Nevertheless, in order to further the prosecution of the present application to issuance of a patent and to more particularly point out selected aspects of the claims, applicants have cancelled claims 1-6 and presented new claims 7-23. Applicants reserve the right to pursue any of the canceled claims in their original forms at a later time.

Furthermore, applicants have presented arguments showing that claims 7-23 are not obvious in view of the cited art. In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application and allowance of the pending claims.

Rejections under 35 USC § 103

As noted, claims 1 and 3-6 have been rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,114,285 to Brydon in view of U.S. Patent

Application Publication No. 2004/0020809 A1 to Allan. Brydon discloses a channel shaped template for mounting door hardware. The template has two parallel sides and a third side bridging the two parallel sides. All three sides have holes serving as drill guides to prepare the door for mounting hardware. Allan discloses a kit for installing door hardware that includes a clip that is attached to the door edge. The clip with holes is used as a template for marking the door.

Examiner rejected claim 2 under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 5,114,285 to Brydon in view of U.S. Patent Application Publication No. 2004/0020809 A1 to Allan and further in view of U.S. Patent No. 5,085,285 to Morita. Morita discloses a template with cut outs for tracing shapes on a surface. Lines connect the centers of the various shapes and are used for aligning drawn figures on a common centerline.

Template Configured to Mount on a Door Edge with the Door Closed

Claim 14 states:

A door fixture mounting preparation system comprising:

- a door with edges and faces that moves between open and closed positions; and

- a template configured to straddle a door edge with the door in the closed position** including;

- first and second substantially parallel faces with a plurality of holes sized for a marker that marks a surface of the door and the substantially parallel faces are spaced to mount the template on the door and;

- a third face perpendicular and joined to the parallel faces to form a channel;

where the configuration of holes in the template when mounted on the door corresponds to mounting holes of the door fixture.

The Examiner notes that "Brydon fails to teach ...the template device being sufficiently thin and flat for fitting in flat contact between an edge of a door and a door frame when the door is closed..." The Examiner suggests that Allan does teach a device to fit between the edge of a door and a door frame. Applicants respectfully disagree and interpret Allan's disclosure significantly differently.

Allan teaches "[t]he side templates 18 are then folded out to lay flat on the surface of the door.... The side templates 18 are then folded out, and the door swung adjacent to the jamb." The templates with reference holes are folded out away from laying flat on the surface of the door so they will protrude over the edge of the door. Then the door is "swung adjacent to" or brought close enough to the door jamb where the mark can be aligned. If the template parts protrude past the edge of the door, the door can't be closed. The door only swings until the protruding template is against the jamb and stops. Nowhere does Allan state that the door is ever closed.

Brydon also teaches away from using a thin face material. Brydon teaches "...a durable drilling template that is capable of repeated use..." To be durable requires heavier and thicker materials. To be capable of repeated use in drilling requires a fairly thick wall or face for the through holes. A thin wall is susceptible to grinding and abrading by the drill bit, widening the holes and making the position of drilled holes inaccurate. Brydon does not discuss closing the door with the template in place and in fact teaches away from thinner materials that would be required for moving the door to a closed position with the template in place.

In the references cited by the Examiner, neither Brydon nor Allan states the limitation in the claim of "a template configured to straddle a door edge with the door in a closed position."

The Examiner also suggests it is obvious to make design modifications changing the sizing of a component, such as making the faces of the template thin enough to allow the door to close. The applicants respectfully disagree in this case. Here, the sizing of the component enables different features and functions of the template. In one case, a greater thickness provides more durability to resist repetitive drilling and grinding operations. Where the holes are not subjected to drilling and only used for marking, a decreased thickness is possible and enables closing the door with the template in place.

Lines Defining a Group of Holes

Claim 7 states:

A template for preparing a door for mounting hardware comprising:

first and second spaced apart, aligned, substantially parallel faces with first and second sets of perforations, the position of each set of perforations congruent with the position of mounting holes of door hardware;

a third perpendicular face connecting the first and second faces to form a channel;

a first group of one or more lines connecting and identifying the first set of perforations in the template; and

a second group of one or more lines connecting and identifying the second set of perforations in the template;

wherein the substantially parallel faces are spaced from each other at the third face a distance greater than a thickness of the door and the template is configured to mount over a door edge.

The Examiner suggests that Morita teaches the claim limitation "...a group of one or more lines connecting and identifying the first set of perforations..." The lines on Morita's templates are centerline holes for aligning each hole with another hole when a sequence of holes is used for tracing the shapes. Each hole has an identical line marking the center, so the lines can't be used to distinguish a configuration of holes if they are all the same lines connecting all the holes. The lines in Morita actually unify all the holes on the template rather than identifying a subset.

There is also no motivation to combine Morita with either Brydon or Allan since the lines are used for a different purpose than identifying a set of holes among a group of similar holes. Moreover, Morita is not related to hardware installation making it less likely to be considered by someone skilled in the art. Brydon teaches a different method of identifying individual holes, using circles to identify drill sizes to be used at the hole.

The new claim 7 also recites "...the position of each set of perforations congruent with the position of mounting holes of door hardware ..." and "...a first group of one or more lines connecting and identifying the first set of perforations in the template..." Nothing in the disclosures of Morita, Brydon nor Allan teach a subset of perforations corresponding to door hardware elements and do not teach a line group connecting and defining the sets of perforations.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims.

If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

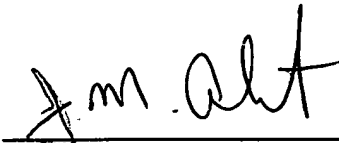
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